

Date: January 24, 2000

DSL-BQA-00-012
Supersedes 94-072

To:	Home Health Agencies	HHA - 03
	Hospices	HSPC - 02
	Hospitals	HOSP - 04
	Ambulatory Surgical Centers	ASC - 01
	End-Stage Renal Dialysis Centers	ESRD - 01
	Outpatient Rehabilitation Agencies	OPRA - 01
	Rural Health Clinics	RHC - 02

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Bureau of Quality Assurance

CC: Susan Schroeder, Director
Bureau of Quality Assurance

Informal Dispute Resolution

The purpose of this memo is to rescind BQC Memo 94-072, effective January 1, 1995, which implemented a standardized process for informally resolving any disagreements that entities may have with survey findings issued by Bureau surveyors. The goal of the IDR process is to resolve differences that the entity may have with the surveyors' findings in a timely manner outside of litigation.

A recent decision, ML-99-0112, by the Division of Hearings and Appeals (DHA) has determined that a notice of hospital survey findings may not be appealed to DHA under section 227.42 of the Wisconsin Statutes. Similarly, there is no language in Wisconsin Statute Chapter 50 for appeal of survey findings for hospitals, home health agencies or hospice providers.

The federal Health Care Financing Administration (HCFA)'s State Operations Manual provides for informal dispute resolution of federal survey findings only in long-term care surveys. The Bureau has been directed by HCFA Region V to discontinue the practice of offering informal dispute resolution of federal survey findings to entities other than long-term care facilities.

In a continuing effort to assure that survey findings are as accurate as possible, the Bureau's Health Services Section supervisors and Health Services Section Chief will continue to be available to entities for consultation regarding survey findings, rules and regulations. Entities are encouraged to contact the surveyor's supervisor if they believe that there are factual errors in the survey document. Although entities are no longer required to contact the supervisor in writing

within a three-day window, we request that they call the supervisor within three days of receiving the survey findings to discuss concerns in a timely manner. Health Services Section supervisors will attempt to resolve differences through informal phone conferences. If desired, a conference call may be prearranged to discuss survey findings and exchange information.

If you have any questions regarding this memo, please contact the Bureau's Health Services Section at (608) 266-3878.